

The 24th July, 1972

No. 3548-2FR-72/24080.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Civil Services Rules, Volume II, namely :—

1. These rules may be called the Punjab Civil Services, Volume II (Haryana Fifth Amendment) Rules, 1972.
2. In the Punjab Civil Services Rules, Volume II, in rule 2.2 for clause (b) the following clause shall be substituted namely :—

“(b) The Government further reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if the pensioner is found in departmental or judicial proceedings, to have been guilty of grave misconduct, or to have caused pecuniary loss to Government by misconduct or negligence, during his service including service rendered on re-employment after retirement.

Provided that—

- (1) such departmental proceedings, if instituted while the officer was in service whether before his retirement or during his re-employment shall after the final retirement of the officer, be deemed to be a proceeding under this rule and shall be continued and concluded by the authority by which it was commenced in the same manner and as if the officer had continued in service,
- (2) such departmental proceedings, if not instituted while the officer was on duty either before retirement or during re-employment,
 - (i) shall not be instituted save with the sanction of the Government;
 - (ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings; and

(iii) shall be conducted by such authority and at such place or places as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made;

- (3) such judicial proceedings, if not instituted while the officer was on duty either before his retirement or during his re-employment, shall be instituted in respect of an event as is mentioned in clause (ii) of proviso (2); and
- (4) the Public Service Commission shall be consulted before final orders are passed.

Explanation—For the purpose of this rule—

- (1) departmental proceedings shall be deemed to have been instituted when the charges framed against the pensioner are issued to him or, if the officer has been placed under suspension from an earlier date, on such date; and
- (2) judicial proceedings shall be deemed to have been instituted—
 - (i) in the case of criminal proceeding, on the date on which the complaint is made, or a challan is submitted to a criminal court; and
 - (ii) in the case of civil proceeding, on the date on which the plaint is presented or, as the case may be an application is made to civil court.

Note 1.—As soon as proceedings of the nature referred to in the above rule are instituted, the authority which institutes such proceedings should without delay intimate the fact to the Accountant General.

Note 2.—In a case in which a pension as such is not withheld or withdrawn, but the amount of any pecuniary loss caused to Government is ordered to be recovered from the pension, the recovery should not ordinarily be made at a rate exceeding one third of the gross pension originally sanctioned including any amount which may have been commuted.”

The 5th July, 1972

No. 1184-FICW-72/24876.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Civil Services Rules, Volume I, as are applicable to the Haryana Government employees, namely :—

1. These rules may be called the Punjab Civil Services, Volume I (Haryana Seventh Amendment) Rules, 1972.
2. In the Punjab Civil Services Rules, Volume I, Part I, in the table below rule 15.1, in serial No. 59, against item No. (iii) under Column 4 for the figures “750” occurring in item (ii) under Column 5, the figures “1100” shall be substituted.